

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DE 06-079

ORDER OF NOTICE

On November 4, 2005, the New Hampshire Public Utilities Commission (Commission) issued Order No. 24,542 in Docket No. DE 05-124, which approved certain modifications to the statewide low income Electric Assistance Program (EAP) funded by ratepayers through the System Benefits Charge (SBC) authorized pursuant to RSA 374-F:3, VI. In Order No. 24,452, the Commission deferred, pending action of the Legislature, consideration of the EAP Advisory Board's recommendation to change the program eligibility level from 185 percent to 150 percent of the Federal Poverty Guidelines. On November 16, 2005, the Legislature held a special session and enacted Senate Bill 228 (N.H. Laws 2005, Chapter 298) creating a temporary emergency assistance program that, among other things, diverted SBC funds from energy efficiency programs to provide assistance for up to 30,000 low income customers for the period beginning January 1, 2006 and ending June 30, 2006. In addition, Senate Bill 228 established the Low-Income Electric Assistance Program Review Committee, which has held meetings monthly to review reports submitted by the Commission. On May 19, 2006, the Commission received a letter from Governor Lynch urging the Commission to commence a proceeding to determine how best to serve low-income electric customers. As of the date of this Order of Notice, the Legislature has not taken further action relative to the EAP or the SBC that funds it.

The next program year for the statewide low income Electric Assistance Program begins on October 1, 2006. In order to timely consider possible changes to the program in advance of that date, and to examine and address any effects created by the temporary emergency assistance program, the Commission has opened this proceeding. The issues to be considered will include, but are not necessarily limited to: the extent to which it may be necessary to make short-term program revisions to account for impacts created by the temporary emergency low income program; the extent to which current program parameters should remain in place or be revised generally; whether the limited available assistance should be directed to a significantly larger target population, thereby reducing the average annual benefit; whether assistance should be provided for electric heating and, if so, to what extent; whether percentage of income targets should be maintained and, if so, what targets are appropriate in light of general inflation in energy costs relative to other costs and personal income; whether to introduce as a program parameter the concept of a basic service level for which assistance is available and the appropriate application of the provision in RSA 374-F:3, V(a) that restructuring should include “[p]rograms and mechanisms that enable residential customers with low incomes to manage and afford essential electricity requirements;” whether program benefit design should be utility specific or uniform; whether to limit program eligibility to customers at or below 150 percent of the Federal Poverty Guideline or otherwise; whether to maintain the SBC for low income program assistance at 1.2 mills per kWh or increase it up to the statutory limit of 1.5 mills per kWh; whether or to what extent energy efficiency program expenditures should be affected by any revisions to the low income program; and, the appropriate term of any program changes.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Admin. Rules Jus 807.05, be held before the Commission located at 21 S. Fruit Street, Suite 10, Concord, New Hampshire on July 11, 2006 at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the issues raised herein and any of the issues set forth in N.H. Code Admin. Rule Jus 807.05 shall be considered; and it is

FURTHER ORDERED, that the Executive Director shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than June 9, 2006, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before July 11, 2006; and it is

FURTHER ORDERED, that any party seeking to intervene in the proceeding shall submit to the Commission an original and eight copies of a Petition to Intervene with copies sent to the Office of the Consumer Advocate on or before July 6, 2006, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Code Admin. Rules Jus 809.01 and RSA 541-A:32,I(b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before July 11, 2006.

FURTHER ORDERED, that, pursuant to N.H. Code Admin Rules Jus 807.03(a)(5), each party has the right to have an attorney represent them at their own expense; and it is

FURTHER ORDERED, that, pending readoption of the Commission's procedural rules, N.H. Code Admin. Rules Puc 200, Jus 800 Model Rules of Practice and Procedure shall apply to this proceeding pursuant to RSA 541-A:30-a.

By order of the Public Utilities Commission of New Hampshire this second day of June, 2006.

Debra A. Howland
Executive Director & Secretary

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.